

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 87613813 for the mark EMERSON CREEK EVENTS, Opposition No, 91241725, and Application Serial No. 87400157 for the mark EMERSON CREEK POTTERY MADE IN THE USA, Opposition No, 91244057, Consolidated.

COUNTRYVIEW POTTERY CO.)	
d/b/a EMERSON CREEK POTTERY and)	
EMERSON CREEK TEAROOM, and EMERSON)	
CREEK EVENTS, INC.)	
)	
Opposers,)	
)	
v.)	Opposition No.91241725
)	(Parent Case)
EMERSON CREEK POTTERY, INC.)	
)	
Applicant)	

EMERSON CREEK POTTERY, INC.)	
)	
Opposer)	
)	
v.)	Opposition No. 91244057
)	
COUNTRYVIEW POTTERY CO., and)	
EMERSON CREEK EVENTS, INC.)	
)	
Applicants)	

**AMENDED AND SUPPLEMENTAL RESPONSE TO EMERSON CREEK POTTERY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

NOW COME COUNTRYVIEW POTTERY CO. and EMERSON CREEK EVENTS, INC., by and through their attorneys, Law Offices of McLaughlin & Associates, P.C., and for their Amended and Supplemental Response to Emerson Creek Pottery's First Request for Production of Documents, state as follows:



GENERAL OBJECTIONS

Countryview Pottery Co. (“Countryview”) and Emerson Creek Events, Inc. (“EC Events”) object to Emerson Creek Pottery, Inc.’s (“ECP”) definition of “Applicants,” “Countryview Parties,” or “You” in its Requests for Production of Documents to include Ron Wehrli, and Christina Demiduk and David Demiduk, individually, as they are not Applicants for any trademark at issue.

Countryview and EC Events further to any request that seeks disclosure of information or documents related to sales of pottery or any other goods or any non-banquet or event related services, on the grounds that this opposition is solely associated with the registration of the instant application serial number 87613813 for the mark EMERSON CREEK EVENTS, and therefore such request is overbroad, irrelevant, and not reasonably calculated to lead to discoverable evidence.

Countryview and EC Events object to any request that is not limited in time as such request is overbroad and unduly burdensome.

(The foregoing objections will be collectively referred to herein as “the General Objections” and shall be incorporated by reference in each and every response wherever it states “Subject to the General Objections” before any response.)

TERMS

As used herein, Emerson Creek Pottery, Inc. shall be referred to as “ECP” and Countryview Pottery Co. and Emerson Creek Events, Inc. collectively as “Countryview Parties”.

SPECIFIC RESPONSES AND OBJECTIONS

DOCUMENTS PRODUCED

Amended to mark them as Confidential and to replace the original production:

ECE 001-018	Ledger of expenditures for printing expenses 05/2011-04/2019
ECE 019-030	Solstice Communications website expenses
ECE 031-035	The Knot advertising expenses
ECE 036-053	Lindsay Winkler website and branding expenses

Unchanged as served on June 7, 2019:

ECE 054-055*, 060-061, 119-121 (*056 included in error)	News articles (Chicago Tribune/Aurora Beacon)
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ECE 062-118, 122-193 Catalogues/Advertising (Neighborhood Tourist), The Knot, The Celebration Society, Naperville Magazine, Style Me Pretty, Chicago Illinois Wedding)

ECE 194-251 Printouts of various pages online with Emerson Creek wedding and events (representative, not exhaustive)

Newly produced herein as Confidential-Attorney's Eyes Only:

ECE 252-257 Sales Information for Countryview's Shop and Restaurant for 2016-2018

ECE 258-264 1120S Tax Returns (without schedules) for EC Events, redacted to show gross sales, costs of goods, and net sales only for 2012-2018

ECE 265-270 1120S Tax Returns (with schedules) for Countryview, redacted to show gross sales, costs of goods, and net sales only for 2013-2018

5. All documents showing, concerning, evidencing, relating or referring to Countryview Parties' customers for pottery goods and restaurant and events services.

RESPONSE (AMENDED): Subject to the General Objections, the ordinary customers of Countryview Parties' event and banquet services include but are not limited to individuals and businesses interested in planning weddings, attending yoga classes, attending vintage market events, and holding other social events in a rustic location. Countryview Parties further object to a request for production of any customer lists as production of same is virtually impossible given the nature of Countryview Parties' business. Customers who visit Countryview Parties' location do not always provide their names, as they may pay by credit card or cash, may visit on occasion seasonally, or may visit the restaurant, banquet hall, and grounds, which do not require public registration. Accordingly, a formalized and complete customer list does not exist. Consumers have travelled from various parts of the United States to visit Countryview Parties' facility, which Dave and Christine Demiduk will testify to during their depositions.

Countryview Parties object to disclosure of any sales information except those related to event, restaurant, and banquet services, on the grounds that this opposition is solely associated with the registration of the instant application serial number 87613813 for the mark EMERSON CREEK EVENTS, which does not seek registration for use of the mark for sales of pottery, cookbooks, gift shops, or tea

rooms. and therefore such request is overbroad and irrelevant. Without waiving said objections, see ECE 252-270.

Because the time frame is unlimited and potentially involves over 20 years of financial data, Countryview Parties do not have ready access to tax returns prior to the dates produced and will have to request same from the IRS, which may be done upon request for a specific time frame.

All other responses as served on June 7, 2019 remain unchanged.

Dated: June 14, 2019

Respectfully submitted

By: /Kenneth S. McLaughlin, Jr./

One of the Attorneys for Countryview Pottery Co.
and Emerson Creek Events, Inc.

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on June 14, 2019, he served a copy of the above-referenced Amended and Supplemental Response to Emerson Creek Pottery's First Set of Request for Production of Documents upon Garfield Goodrum via email to: garfield.goodrum@gdrmlaw.net.

/Kenneth S. McLaughlin, Jr./
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